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Connections US, Inc.

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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

JOHN SUGGS, an individual; JOHN  
SUGGS, SR., an individual; BRITTANY  
SUGGS, an individual; TINNIE SUGGS,  
an individual; JOE GOMEZ, an  
individual; ANGELICA GOMEZ, an  
individual; DEBRA LOVE, an individual;  
ANGELIQUE LOVE, an individual;  
AARON POLMOUNTER, an individual;  
AVO BABOUJIAN, an individual;  
SAKO DJABOURIAN, an individual;  
GARBIS DJABOURIAN, an individual;  
MARY DJABOURIAN, an individual;  
DEBORAH HIGBY, an individual;  
JOHN HIGBY, IV, an individual; JOSE

CASE NO.

[Los Angeles Superior Court  
Case No. 24STCV02836]

**DECLARATION OF SHOSHANA E.  
BARNETT IN SUPPORT OF  
DEFENDANTS' NOTICE OF  
REMOVAL**

1 CERRITOS, an individual; HAGOP  
2 ASSADOURIAN, an individual;  
3 PHOEBE OLIVERA, an individual;  
4 NATHAN OLIVERA, an individual;  
5 WILLIE BOONE, an individual; KATYA  
6 DAGHLIAN, an individual; NERSES  
7 DAGHLIAN, an individual; MARC  
8 BREWER, an individual; LAKEN  
9 BREWER, an individual; CARMEN  
10 GONZALEZ, an individual; LUIS  
11 VILLALOBOS-GONZALEZ, an  
12 individual; AARON GONZALEZ, an  
13 individual; SHEILA BOGHIGIAN, an  
14 individual; VAHRAM BOGHIGIAN, an  
15 individual; NORMAN BOGHIGIAN, an  
16 individual; MARIA TURNBULL, an  
17 individual; HALEIGH ASHMORE, an  
18 individual; EDVIN HAKOPIAN, an  
19 individual; MALINEH MARTUSSIAN,  
20 an individual; RAFFI KARTALIAN, an  
21 individual; TAMAR KARTALIAN, an  
22 individual; ANNIE BUTALIA, an  
23 individual; INDERPAL SINGH, an  
24 individual; ARNO MELIKYAN, an  
25 individual; KATSIARYNA MELIKYAN,  
26 an individual; MARLENE NADEL, an  
27 individual; JESSICA HOOKER, an  
28 individual; SAM ALAVI, an individual;  
MASSA ALAVI, an individual; ARIAN  
ALAVI, an individual; ATHINA ALAVI,  
an individual; RENATO FEDI, an  
individual; and ANGELA FEDI, an  
individual,

Plaintiffs,

vs.

CHIQUITA CANYON, LLC, a Delaware  
limited liability company; WASTE  
CONNECTIONS OF CALIFORNIA,

1 a California corporation; CHIQUITA  
2 CANYON, INC., a Delaware  
3 Corporation; WASTE CONNECTIONS  
4 US. INC., a Delaware corporation; and  
5 DOES 1-150,  
6 inclusive,

Defendants.

**DECLARATION OF SHOSHANA E. BANNETT**

I, Shoshana E. Bennett, declare as follows:

1. I am an active member of the Bar of the State of California and Senior Counsel with Bird, Marella, Rhow, Lincenberg, Drooks & Nessim, LLP, attorneys of record for Defendants Chiquita Canyon, LLC, Waste Connections of California, Chiquita Canyon, Inc., and Waste Connections US, Inc. in this action. I make this declaration in support of Defendants' Notice of Removal. Except for those matters stated on information and belief, I make this declaration based upon personal knowledge and, if called upon to do so, I could and would so testify.

2. On February 22, 2024, Plaintiffs caused to be served on Defendants Waste Connections US, Inc. Chiquita Canyon LLC and Chiquita Canyon, Inc., the Summons, Complaint, Civil Case Cover Sheet, Addendum to Civil Case Cover Sheet and Statement of Location, and Notice of Court Order re Complex Determination in the matter of *Suggs, et al. vs. Chiquita Canyon, LLC, et al.* (Case No. 24STCV02836), filed in the Superior Court of the State of California, County of Los Angeles.

3. Attached hereto as **Exhibit A** is a true and correct copy of the Summons and Complaint.

4. Attached hereto as **Exhibit B** is a true and correct copy of Civil Case Cover Sheet, Civil Case Cover Sheet Addendum and Statement of Location and Notice of Court Order re Complex Determination.

5. Attached hereto as **Exhibit C** are true and correct copies of the Proof of Service of Summons on Defendants Waste Connections US, Inc. Chiquita Canyon LLC and Chiquita Canyon, Inc. filed by Plaintiffs in the State Court Action.

6. Attached hereto as **Exhibit D** is a true and correct copy of Chiquita Canyon LLC.'s Statement of Information Limited Liability Company, filed with the California Secretary of State on May 8, 2023.

7. Attached hereto as **Exhibit E** is a true and correct copy of Chiquita

1 Canyon Inc.'s Statement of Information Corporation, filed with the California  
2 Secretary of State on May 8, 2023.

3 8. Attached hereto as **Exhibit F** is a true and correct copy of Waste  
4 Connections US, Inc.'s Statement of Information Corporation, filed with the  
5 California Secretary of State on May 9, 2023.

6 I declare under penalty of perjury under the laws of the United States of  
7 America that the foregoing is true and correct, and that I executed this Declaration  
8 on March 25, 2024, at Los Angeles, California.

9  
10 /s/ Shoshana E. Bannett

11 Shoshana E. Bannett  
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28

# EXHIBIT A

ID #: 17

SUM-100

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CHIKUITA CANYON, LLC, a Delaware Limited Liability Company; WASTE CONNECTIONS OF CALIFORNIA, a California Corporation; [SEE ADDITIONAL PARTIES ON ATTACHEMENT]

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

JOHN SUGGS, an individual [SEE ADDITIONAL PARTIES ATTACHMENT]

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
2/07/2024 10:24 AM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By S. Trinh, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Stanley Mosk Courthouse

111 N. Hill Street, Los Angeles, California 90211

CASE NUMBER:  
(Número del Caso):

24STCV02836

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Paul R. Kiesel, Kiesel Law LLP, 8648 Wilshire Blvd., Beverly Hills, Ca 90211, 310-854-4444

DATE: February 7, 2024

Clerk, by

S. Trinh

, Deputy

(Fecha) David W. Slayton, Executive Officer/Clerk of Court (Secretario)

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



## NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): WASTE CONNECTIONS US. INC., a Delaware Corporation  
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
- ☒ by personal delivery on (date): 2/22/24

Page 1 of 1

SUM-200(A)

SHORT TITLE: John Suggs, et. al. v Chiquita Canyon, LLC., et al	CASE NUMBER: 24STCV02836
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**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.  
→ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

**List additional parties** (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff ☐ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

JOHN SUGGS, SR., an individual, BRITTANY SUGGS, an individual, TINNIE SUGGS, an individual, JOE GOMEZ, an individual, ANGELICA GOMEZ, an individual, DEBRA LOVE, an individual, ANGELIQUE LOVE, an individual, AARON POLMOUNTER, an individual, AVO BABOUJIAN, an individual, SAKO DJABOURIAN, an individual, GARBIS DJABOURIAN, an individual, MARY DJABOURIAN, an individual, DEBORAH HIGBY, an individual, JOHN HIGBY, IV, an individual, JOSE CERRITOS, an individual, HAGOP ASSADOURIAN, an individual, PHOEBE OLIVERA, an individual, NATHAN OLIVERA, an individual, WILLIE BOONE, an individual, KATYA DAGHLIAN, an individual, NERSES DAGHLIAN, an individual, MARC BREWER, an individual, LAKEN BREWER, an individual, CARMEN GONZALEZ, an individual, LUIS VILLALOBOS-GONZALEZ, an individual, AARON GONZALEZ, an individual, SHEILA BOGHIGIAN, an individual, VAHRAM BOGHIGIAN, an individual, NORMAN BOGHIGIAN, an individual, MARIA TURNBULL, an individual, HALEIGH ASHMORE, an individual, EDVIN HAKOPIAN, an individual, MALINEH MARTUSSIAN, an individual, RAFFI KARTALIAN, an individual, TAMAR KARTALIAN, an individual, ANNIE BUTALIA, an individual, INDERPAL SINGH, an individual, ARNO MELIKYAN, an individual, KATSIARYNA, an individual, MARLENE NADEL, an individual, JESSICA HOOKER, an individual, SAM ALAVI, an individual, MASSA ALAVI, an individual, ARIAN ALAVI, an individual, ATHINA ALAVI, an individual, RENATO FEDI, an individual, ANGELA FEDI, an individual

Page 2 of 3

Page 1 of 1

SUM-200(A)

SHORT TITLE: John Suggs, et. al. v Chiquita Canyon, LLC., et. al.	CASE NUMBER: 24STCV02836
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☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

CHIQUITA CANYON, INC., a Delaware Corporation; WASTE CONNECTIONS US. INC., a Delaware Corporation; and DOES 1-150, inclusive

Page 3 of 3

Page 1 of 1

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8648 Wilshire Boulevard  
6 Beverly Hills, California 90211-2910  
Tel.: 310-854-4444  
7 Fax: 310-854-0812

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
2/02/2024 2:50 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By J. Covarrubias, Deputy Clerk

8 Harout Keosian, State Bar No. 236352  
[hgk@keosianlaw.com](mailto:hgk@keosianlaw.com)  
9 Eileen Keusseyan, State Bar No. 149482  
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10 **KEOSIAN LAW LLP**  
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11 Encino, California 91436  
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12 Fax: 818-986-9341

13 *Attorneys for Plaintiffs*  
14  
15

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

18 **JOHN SUGGS, an individual, JOHN**  
19 **SUGGS, SR., an individual, BRITTANY**  
20 **SUGGS, an individual, TINNIE SUGGS,**  
21 **an individual, JOE GOMEZ, an**  
22 **individual, ANGELICA GOMEZ, an**  
23 **individual, DEBRA LOVE, an individual,**  
24 **ANGELIQUE LOVE, an individual,**  
25 **AARON POLMOUNTER, an individual,**  
26 **AVO BABOUJIAN, an individual, SAKO**  
27 **DJABOURIAN, an individual, GARBIS**  
28 **DJABOURIAN, an individual, MARY**  
**DJABOURIAN, an individual, DEBORAH**  
**HIGBY, an individual, JOHN HIGBY, IV,**  
**an individual, JOSE CERRITOS, an**  
**individual, HAGOP ASSADOURIAN, an**  
**individual, PHOEBE OLIVERA, an**  
**individual, NATHAN OLIVERA, an**  
**individual, WILLIE BOONE, an**  
**individual, KATYA DAGHLIAN, an**  
**individual, NERSES DAGHLIAN, an**  
**individual, MARC BREWER, an**

**CASE NO. 24STCV02836**

**COMPLAINT FOR DAMAGES**

1. Negligence
2. Negligence Per Se
3. Strict Liability for Ultrahazardous Activities
4. Continuing Private Nuisance
5. Permanent Private Nuisance
6. Continuing Public Nuisance
7. Permanent Public Nuisance
8. Trespass

**DEMAND FOR JURY TRIAL**

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 individual, LAKEN BREWER, an  
2 individual, CARMEN GONZALEZ, an  
3 individual, LUIS VILLALOBOS-  
4 GONZALEZ, an individual, AARON  
5 GONZALEZ, an individual, SHEILA  
6 BOGHIGIAN, an individual, VAHRAM  
7 BOGHIGIAN, an individual, NORMAN  
8 BOGHIGIAN, an individual, MARIA  
9 TURNBULL, an individual, HALEIGH  
10 ASHMORE, an individual, EDVIN  
11 HAKOPIAN, an individual, MALINEH  
12 MARTUSSIAN, an individual, RAFFI  
13 KARTALIAN, an individual, TAMAR  
14 KARTALIAN, an individual, ANNIE  
15 BUTALIA, an individual, INDERPAL  
16 SINGH, an individual, ARNO  
17 MELIKYAN, an individual,  
18 KATSIARYNA MELIKYAN, an  
19 individual, MARLENE NADEL, an  
20 individual, JESSICA HOOKER, an  
21 individual, SAM ALAVI, an individual,  
22 MASSA ALAVI, an individual, ARIAAN  
23 ALAVI, an individual, ATHINA ALAVI,  
24 an individual, RENATO FEDI, an  
25 individual, ANGELA FEDI, an individual,

26 Plaintiffs,

27 v.

28 CHIQUITA CANYON, LLC, a Delaware  
Limited Liability Company; WASTE  
CONNECTIONS OF CALIFORNIA, a  
California Corporation; CHIQUITA  
CANYON, INC., a Delaware Corporation;  
WASTE CONNECTIONS US. INC., a  
Delaware Corporation; and DOES 1-150,  
inclusive,

Defendants.

COME NOW the PLAINTIFFS JOHN SUGGS, an individual, JOHN SUGGS, SR., an  
individual, BRITTANY SUGGS, an individual, TINNIE SUGGS, an individual, JOE GOMEZ, an  
individual, ANGELICA GOMEZ, an individual, DEBRA LOVE, an individual, ANGELIQUE  
LOVE, an individual, AARON POLMOUNTER, an individual, AVO BABOUJIAN, an individual,  
SAKO DJABOURIAN, an individual, GARBIS DJABOURIAN, an individual, MARY

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 DJABOURIAN, an individual, DEBORAH HIGBY, an individual, JOHN HIGBY, IV, an  
2 individual, JOSE CERRITOS, an individual, HAGOP ASSADOURIAN, an individual, PHOEBE  
3 OLIVERA, an individual, NATHAN OLIVERA, an individual, WILLIE BOONE, an individual,  
4 KATYA DAGHLIAN, an individual, NERSES DAGHLIAN, an individual, MARC BREWER, an  
5 individual, LAKEN BREWER, an individual, CARMEN GONZALEZ, an individual, LUIS  
6 VILLALOBOS-GONZALEZ, an individual, AARON GONZALEZ, an individual, SHEILA  
7 BOGHIGIAN, an individual, VAHRAM BOGHIGIAN, an individual, NORMAN BOGHIGIAN,  
8 an individual, MARIA TURNBULL, an individual, HALEIGH ASHMORE, an individual, EDVIN  
9 HAKOPIAN, an individual, MALINEH MARTUSSIAN, an individual, RAFFI KARTALIAN, an  
10 individual, TAMAR KARTALIAN, an individual, ANNIE BUTALIA, an individual, INDERPAL  
11 SINGH, an individual, ARNO MELIKYAN, an individual, KATSIARYNA MELIKYAN, an  
12 individual, MARLENE NADEL, an individual, JESSICA HOOKER, an individual, SAM ALAVI,  
13 an individual, MASSA ALAVI, an individual, ARIAAN ALAVI, an individual, ATHINA ALAVI,  
14 an individual, RENATO FEDI, an individual, ANGELA FEDI, an individual, (collectively  
15 “Plaintiffs”), bring this action against DEFENDANTS CHIQUITA CANYON, LLC, a Delaware  
16 Limited Liability Company; WASTE CONNECTIONS OF CALIFORNIA, a California  
17 Corporation; CHIQUITA CANYON, INC., a Delaware Corporation; WASTE CONNECTIONS  
18 US. INC., a Delaware Corporation; and DOES 1 through 150, inclusive, and each of them  
19 (collectively “Defendants”). PLAINTIFFS allegations are based upon personal knowledge as to  
20 Plaintiffs’ own experiences and on information and belief as to all other matters based on an  
21 investigation by counsel, such that each allegation has evidentiary support or is likely to have  
22 evidentiary support upon further investigation and discovery:

23 **I. NATURE OF THE CASE**

24 1. PLAINTIFFS allege herein that they were exposed to elevated levels of hydrogen  
25 sulfide, noxious fumes and odors in their homes and communities for an extended period of time,  
26 causing them harm, as a direct and proximate result of Defendants’ negligent and reckless operation  
27 of the Chiquita Canyon Landfill (“CCL”).

28 2. Hydrogen sulfide is a highly toxic and malodorous environmental contaminant most

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Beverly Hills, California

1 commonly associated with sewage. Throughout 2023, thousands of individuals – including  
2 Plaintiffs herein – experienced and complained of exposure to elevated levels of hydrogen sulfide,  
3 noxious fumes and odors.

4 3. Hydrogen sulfide is known to cause headaches, nausea, respiratory issues, and other  
5 illnesses.

6 4. PLAINTIFFS bring this action to recover compensatory damages associated with  
7 their exposure to noxious fumes and odors from the CCL, for punitive damages, and for injunctive  
8 relief.

9 **Smoldering Fire and Pressure Buildup Within CCL Caused Toxic Fumes and Odor**

10 5. CCL has, and is, currently experiencing a subsurface reaction over an inactive  
11 portion of the landfill that is causing increased temperatures, increased production of landfill gas,  
12 and increased production of leachate, as well as fugitive emissions of landfill gas from the surface  
13 of the landfill. The area of the landfill affected by the reaction is located approximately 1000 feet  
14 from the nearest resident in the surrounding community.

15 6. On January 16, 2024, at the South Coast Air Quality Management District's  
16 ("SCAQMD") hearing, residents from the surrounding community stated that they have become  
17 prisoners trapped in their homes to avoid exposure to the elevated levels of hydrogen sulfide,  
18 noxious fumes and odors which pollute their community. Activities such as gardening, hiking, or  
19 recreating outdoors at the nearby Hasley Equestrian Center, Hasley Canyon Park, or Val Verde Park  
20 have been halted, as residents fear for their safety. Children who attend neighboring schools such as  
21 Castaic Elementary School, Santa Clarita Valley International School and Live Oak Elementary  
22 School are unable to enjoy their adolescent years as the noxious odors and elevated levels of toxic  
23 gases prevent them from spending time outdoors and have the potential to increase their risk of  
24 developing cancer.

25 7. According to the Los Angeles Regional Water Board, CCL has been disposing of  
26 approximately 2- to 4-million gallons of contaminated water a month for much of the past year. That  
27 water was made up of a combination of hazardous spills and CCL's efforts to extract wastewater.

28 8. Steaming-hot, contaminated water has also surged to the surface, oozing out of

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Beverly Hills, California

1 fissures. These hazardous spills have formed bubbling ponds and “rivers of odorous waste,”  
2 according to officials with the SCAQMD. At times, this polluted water has erupted with such force  
3 that it has shot into the air like a geyser.

4 **Defendants have Recklessly Disregarded the Toxic Exposure of Hazardous Gas and Odors to**  
5 **Residents Neighboring the Facility**

6 9. In late 2023 Defendants acknowledged the gas and water leaks, although Defendants  
7 had knowledge that the hazardous spills had been occurring since mid-2022.

8 10. Defendants have been inadequately containing landfill gas, leachate, and associated  
9 surface emissions at CCL, which has caused odor and other unlawful emissions from the landfill.  
10 Defendants have also failed to comply with and frustrated the efforts of SCAQMD and Los Angeles  
11 Fire and Hazmat agents.

12 11. On October 17, 2023, SCAQMD, in coordination with Los Angeles Fire and Hazmat  
13 agents, conducted an unannounced inspection and attempted to collect samples of the leachate  
14 exposed to the air from Defendants’ property. Defendants denied access to the agents and did not  
15 allow them to collect samples of the leachate. Of the samples that SCAQMD was able to collect and  
16 test from neighboring areas close to CCL, results indicated elevated concentrations of benzene, a  
17 cancer causing chemical.

18 12. Around that time, SCAQMD requested real-time access to Defendants’ Community  
19 Air Monitoring (“CAM”) network, which Defendants must maintain as a condition of the  
20 Conditional Use Permit allowing them to operate the landfill. By January 10, 2024, SCAQMD  
21 Monitoring and Analysis Division staff had been given real-time access to some, but not all, of the  
22 air monitors within Defendants’ CAM network. A review of CCL’s air monitoring data showed  
23 approximately 35% of all hydrogen sulfide (H<sub>2</sub>S) readings over the past year exceeded the  
24 California state standard of 30 parts per billion (ppb), averaged over one hour.

25 13. SCAQMD Inspectors continued to routinely observe leachate exposed to the ambient  
26 air. Inspectors observed leachate at times bubbling or boiling, free flowing from the surface of the  
27 landfill, pooling at the landfill, channeling through soil at the landfill, and flowing to concrete lined  
28 drainage where Defendants had installed checkdams to prevent the leachate from leaving CCL.

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1           14. On some inspections, SCAQMD Inspectors observed leachate shooting into the air  
2 like a geyser. Where the leachate was discharged it flowed and channeled across the landfill, forming  
3 bubbling ponds of waste and saturating the surrounding soil. The leachate-saturated soil also emitted  
4 a foul-smelling odor. In several instances, SCAQMD Inspectors observed that Defendants did not  
5 take immediate actions to remediate either the leachate or the saturated soil prior to the leachate  
6 reaching the concrete channels.

7 **II. JURISDICTION AND VENUE**

8           15. Venue is proper in the Superior Court of the County of Los Angeles, State of  
9 California pursuant to California Code of Civil Procedure §§ 393 and 395 because Los Angeles  
10 County is where the subject incident and injuries occurred, where the Plaintiffs reside, where CCL  
11 is located, and where the obligation and liability arose for Defendants.

12           16. The Federal Courts do not have subject matter or removal jurisdiction over this case  
13 and, therefore, it is not removable. Specifically, pursuant to 28 U.S.C. § 1441(b), this action is not  
14 removable and the Superior Court of the County of Los Angeles, State of California has jurisdiction  
15 of this case since at all times relevant to this action Defendants did business in and provided services  
16 in the County of Los Angeles, State of California. In addition, no federal question is involved in this  
17 action. As such, any removal of this case to federal court would be wrongful and done solely for  
18 the purposes of delay. Therefore, should one or more of the Defendants seek to improperly remove  
19 this case to federal court, PLAINTIFFS' will oppose such improper removal.

20           17. Defendants CHIQUITA CANYON, LLC, CHIQUITA CANYON, INC., and  
21 WASTE CONNECTIONS US. INC., purposely availed themselves of the benefits, protections and  
22 privileges of the laws of the State of California in conducting their business, and have purposely  
23 directed their activities in this State.

24           18. This Court has jurisdiction of this action because the Plaintiffs seek damages which  
25 are in excess of this Court minimum jurisdictional limits and because Defendants conduct business  
26 in, and Plaintiffs' causes of action arose in, the County of Los Angeles, State of California.

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1 **III. THE PARTIES**

2 **A. Plaintiffs**

3 19. PLAINTIFFS are individuals who, at all times relevant to this action, resided in the  
4 areas impacted by the formation and release of hazardous chemicals and noxious fumes, including  
5 hydrogen sulfide, near the CCL. Plaintiffs have all suffered damages, losses, and harm as a result of  
6 exposure to the noxious gases including, but not limited to, physical injury, fear of future physical  
7 injury, increased risk of future injury, including the need for medical monitoring, emotional distress,  
8 harm to real and personal property, medical expenses, relocation expenses, and other economic  
9 damages.

10 **B. Defendants**

11 20. CHIQUITA CANYON, LLC is a Delaware Limited Liability Company. CHIQUITA  
12 CANYON, LLC and its subsidiaries and its predecessors constructed, operated or maintained the  
13 CCL located at 29201 Henry Mayo Dr. Castaic, California 91384.

14 21. WASTE CONNECTIONS OF CALIFORNIA is a California Corporation. WASTE  
15 CONNECTIONS OF CALIFORNIA and its subsidiaries and its predecessors constructed, operated  
16 or maintained the CCL located at 29201 Henry Mayo Dr. Castaic, California 91384.

17 22. CHIQUITA CANYON INC. is a Delaware Company. CHIQUITA CANYON INC.  
18 and its subsidiaries and its predecessors constructed, operated or maintained the CCL located at  
19 29201 Henry Mayo Dr. Castaic, California 91384.

20 23. WASTE CONNECTIONS US, INC. is a Delaware Company. WASTE  
21 CONNECTIONS US, INC. and its subsidiaries and its predecessors constructed, operated or  
22 maintained the Chiquita Canyon Landfill located at 29201 Henry Mayo Dr. Castaic, California  
23 91384.

24 24. There is a unity of interest and ownership between Defendants, such that any  
25 individuality and separateness between them has ceased, and each such entity is the alter ego of each  
26 other entity.

27 25. The names of the other Defendants and/or their involvement in PLAINTIFFS'  
28 situation are unknown to PLAINTIFFS, who therefore sue such Defendant in this action by fictitious

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1 names, identified as DOES 1 through 150. Each of the Defendants designated as a Doe is legally  
2 responsible in some manner for the unlawful acts described above. Plaintiffs will seek leave of the  
3 Court to amend this complaint to reflect the true names and capacities of the Defendants designated  
4 as Does 1 through 150 when their identities and/or involvement become known.

5       26. The identities and capacities of Defendants DOES 1 through 150 are currently  
6 unknown to Plaintiffs. Said Defendants are therefore sued by such fictitious names as individuals or  
7 entities of unknown form and of unknown capacity who, upon information and belief, are parties  
8 whose acts and/or omissions caused or contributed to cause the tortious conduct set forth in this  
9 pleading and who proximately and legally caused the resulting injuries and damages to Plaintiffs as  
10 alleged herein. When the true names and capacities of the Defendants sued herein as DOES are  
11 ascertained, Plaintiffs will amend this action accordingly. Whenever this complaint references acts  
12 of any Defendant or one of its unnamed agents or co-conspirators, such allegation shall be deemed  
13 to mean the act of all other Defendants, unless the reference is in a particular cause of action, and  
14 each of them acting, individually, jointly, and severally.

15       27. Each Defendant committed, conspired to commit, and/or ratified each of the acts and  
16 omissions alleged in this complaint. Defendants CHIQUITA CANYON, LLC, CHIQUITA  
17 CANYON, INC., and WASTE CONNECTIONS US. INC., and DOES 1 through 150, inclusive,  
18 and each of them, were the agents, servants, employees and/or joint venturers of each other and were  
19 acting within the course and scope of their agency, service, employment and joint venture. All acts  
20 performed by Defendants, and each of them, while acting as an agent, servant, employee and/or  
21 joint venturer have been adopted and ratified by all other Defendants, and each of them.  
22 Consequently, said Defendants are jointly and severally liable to the PLAINTIFFS for the injuries  
23 and damages sustained as a proximate result of their conduct.

24 **IV. ADDITIONAL FACTUAL BASIS FOR THE CLAIMS ASSERTED**

25 **A. Background**

26       28. At all relevant times herein, the PLAINTIFFS, collectively, resided in neighboring  
27 communities to the CCL including but not limited to, Val Verde, Hasley Canyon, Williams Ranch,  
28 Hasley Hills, Live Oak, North Bluffs, Hillcrest, Stevenson Ranch and Santa Clarita. The Plaintiffs,

1 given their proximity to the CCL, were sickened and injured as a result of the exposure to the  
2 noxious fumes and odors.

3 29. The CCL is located 500 feet from Val Verde residences and 150 feet from a United  
4 States Post Office. In close proximity to the north of CCL is Hasley Equestrian Center, Hasley  
5 Canyon Park, Val Verde Park, Live Oak Elementary School and Santa Clarita Valley International  
6 School.

7 30. The CCL extends over 639 acres, of which approximately 400 acres are used as a  
8 landfill and solid waste disposal site pursuant to a conditional use permit issued by the County of  
9 Los Angeles.

10 31. Under the CCL's conditional use permit, CCL is allowed to accept an average of  
11 6,616 tons per day of solid waste between the hours of 4:00am to 5:00pm, Monday through  
12 Saturday. The CCL may also accept green waste and beneficial reuse materials. The CCL may  
13 accept a maximum of 2,800,000 tons per year of solid waste and beneficial reuse material combined.

14 32. Defendants' operations at CCL range from landfill gas collections and control  
15 systems that include vertical and horizontal gas collection wells and associated piping and trenches,  
16 multiple collection headers and blowers for venting landfill gas, a landfill gas treatment system, a  
17 condensate/leachate collection system and two flares which combust landfill gas. The CCL also has  
18 an active permit application for an additional third flare which, if approved, would be incorporated  
19 into its landfill gas collection and control system.

20 **B. Conditional Use Permits obtained by Defendants to Operate the CCL**

21 33. In or about 1997, Defendants signed an agreement with the Val Verde Civic  
22 Association in which they agreed to close the Landfill no later than 2019.

23 34. On July 25, 2017, the County of Los Angeles approved another conditional use  
24 permit allowing the Defendants to expand and operate for another 30 years. The expansion included  
25 increasing the waste footprint from 257 acres to 400 acres, increasing the maximum elevation from  
26 1,430 to 1,573 feet and increasing the daily disposal limits from 6,000 tons per day to 12,000 tons  
27 per day.  
28

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1 35. Under Sections 63-65 of the conditional use permit obtained by Defendants, CCL is  
2 required to comply with SCAQMD requirements and avoid being a nuisance to the community.

3 36. To apply for the conditional use permit allowing CCL to expand operations, CCL  
4 was required to create a cancer map which showed that there were places within close proximity to  
5 the CCL with populations with increased risk of developing cancer. The areas with increased risk  
6 of developing cancer included Castaic Elementary School, Santa Clarita Valley International School  
7 and Live Oak Elementary School.

8 **C. Investigation Conducted by the SCAQMD in 2023 Established that Residents**  
9 **within Four Miles of CCL are Exposed to Noxious Gases**

10 37. SCAQMD enforces air pollution regulations. These regulations are primarily meant  
11 to ensure that the surrounding (or ambient) air meets federal and state air quality standards.

12 38. SCAQMD is responsible for taking reports of nuisance, confirming these reports and  
13 issuing Notices of Violation (NOVs) where there is a violation of the law.

14 39. In 2023, the SCAQMD received more than 7,000 resident complaints of an odor  
15 nuisance with the CCL as the source. SCAQMD has issued approximately 110 NOVs against CCL  
16 for public nuisance in violation of the agency's Rule 402 and California Health and Safety Code  
17 Section 41700.

18 40. SCAQMD Rule 402 and California Health and Safety Code Section 41700 prohibit  
19 the discharge, from any source whatsoever, of such quantities of air contaminants or other materials  
20 which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the  
21 public, or which cause, or have the natural tendency to cause, injury or damage to business or  
22 property.

23 41. Pursuant to SCAQMD's policies and practices, to establish a violation of Rule 402,  
24 the agency must receive three calls to their hotline within an hour to dispatch an investigator. If an  
25 investigator is able to confirm at least 6 complaints in a 24-hour period, then a NOV is issued.

26 42. On May 17, 2023, SCAQMD issued the first 2023 NOV against CCL for public  
27 nuisance in violation of the agency's Rule 402 and California Health and Safety Code Section  
28

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1 41700. In May, SCAQMD began receiving numerous odor complaints that Agency investigators  
2 traced back to CCL.

3 43. SCAQMD issued NOVs to Defendants under Rule 402 and other Agency Rules on  
4 May 18, 2023, June 25, 2023, June 27, 2023, June 28, 2023, June 29, 2023, June 30, 2023, July 2,  
5 2023, July 3, 2023, July 7, 2023, July 10, 2023, July 11, 2023, July 13, 2023, July 15, 2023, July  
6 16, 2023, July 17, 2023, July 18, 2023, July 19, 2023, July 20, 2023, July 21, 2023, July 22, 2023,  
7 July 23, 2023, July 24, 2023, July 26, 2023, July 27, 2023, July 28, 2023, July 29, 2023, July 30,  
8 2023, July 31, 2023, August 1, 2023, August 2, 2023, August 3, 2023, August 4, 2023, August 5,  
9 2023, August 6, 2023, August 7, 2023, August 9, 2023, August 10, 2023, August 11, 2023, August  
10 12, 2023, August 13, 2023, August 14, 2023, August 15, 2023, August 16, 2023, August 17, 2023,  
11 August 18, 2023, August 19, 2023, August 21, 2023, August 23, 2023, August 24, 2023, August 25,  
12 2023, August 27, 2023, August 28, 2023, August 29, 2023, August 30, 2023, August 31, 2023,  
13 September 1, 2023, September 5, 2023, September 6, 2023, September 7, 2023, September 8, 2023,  
14 September 12, 2023, September 13, 2023, September 14, 2023, September 15, 2023, September 19,  
15 2023, September 20, 2023, September 21, 2023, September 22, 2023, September 25, 2023,  
16 September 26, 2023, September 27, 2023. September 28, 2023, October 2, 2023, October 3, 2023,  
17 October 5, 2023, October 6, 2023, October 9, 2023, October 10, 2023, October 13, 2023, October  
18 16, 2023, October 20, 2023, October 23, 2023, October 25, 2023, October 26, 2023, October 27,  
19 2023, November 2, 2023, November 6, 2023, November 10, 2023, November 13, 2023, November  
20 15, 2023, November 16, 2023, November 28, 2023, November 29, 2023, November 30, 2023,  
21 December 6, 2023, December 7, 2023, December 12, 2023, December 18, 2023, December 22,  
22 2023, December 27, 2023, December 29, 2023, January 3, 2024, and January 9, 2024.

23 44. During the time of increased complaints, CCL was and is still currently experiencing  
24 a subsurface reaction in an inactive portion of the landfill that is causing increased temperatures,  
25 increased production of landfill gas, and increased production of leachate, as well as fugitive  
26 emissions of landfill gas from the surface of the landfill. The area of the landfill affected by the  
27 reaction is located approximately 1,000 feet from the nearest resident in the surrounding community.  
28

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1           45. Between May and September 5, 2023, SCAQMD issued 58 NOVs against  
2 Defendants for violating SCAQMD Rule 402 and California Health and Safety Code Section 41700.  
3 In light of the NOVs and complaints, SCAQMD's Hearing Board issued an Order for Abatement  
4 which outlined practices and procedures in an attempt to resolve the issues.

5           46. The Order for Abatement was ineffective. Between September 6, 2023 and January  
6 11, 2024, SCAQMD received 4,860 complaints alleging CCL as the source of odors. SCAQMD  
7 responded to and investigated the complaints, including verifying the existence of complained-of  
8 odors and identifying the source of the complaints as CCL. Over this time period, Defendants  
9 received 46 NOVs for violations of SCAQMD Rule 402 and California Health and Safety Code  
10 Section 41700.

11           47. In early October, 2023, SCAQMD learned of the existence of leachate seeping out  
12 from the area of the landfill affected by the subsurface reaction. SCAQMD inspectors conducted an  
13 inspection and confirmed that leachate had seeped out of the landfill and pooled in a concrete-lined  
14 stormwater channel adjacent to the area of the landfill affected by the reaction. SCAQMD inspectors  
15 observed that the leachate gave off a foul odor, which inspectors determined was contributing to  
16 and worsening the alleged public nuisance.

17           48. On October 31, 2023, Defendants submitted the results of an initial flux chamber  
18 study. The results of the study concluded that if the emissions observed during the study held  
19 constant for an entire year, a total of around 43,000 tons per year of uncontrolled/fugitive surface  
20 emissions would be produced at CCL. Of those emissions, approximately 9.33 tons per year would  
21 be benzene, and approximately 100 tons per year toxic organics.

22           49. In November 2023, SCAQMD also cited the facility for failure to maintain the  
23 leachate collection and storage system in good operating condition, failure to report the breakdown  
24 of equipment, failure to submit a landfill excavation plan, and violations of other permit and  
25 conditional use conditions. Leachate was observed on numerous occasions bubbling, boiling, or  
26 shooting out like a geyser. The pooled and flowing liquid was observed seeping out of the soil and  
27 causing additional foul-smelling odors.  
28

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1           50.     On several successive inspections, SCAQMD inspectors continued to routinely  
2 observe leachate exposed to the ambient air. Inspectors noted leachate at times bubbling or boiling,  
3 free flowing from the surface of the landfill, pooling at the landfill, channeling through soil at the  
4 landfill, and flowing to concrete lined drainage.

5           51.     On several instances, SCAQMD inspectors observed that Defendants did not take  
6 immediate actions to remediate either the leachate or the saturated soil prior to the leachate reaching  
7 the concrete channels.

8           52.     SCAQMD's Monitoring and Analysis Division compiled and reviewed continuous  
9 monitoring data from six monitors in Defendants' Community Air Monitoring network, all located  
10 within the affected communities. The monitors collect real-time data for hydrogen sulfide ("H2S")  
11 and particulate matter. Based on review of H2S continuous monitoring across all six monitors,  
12 SCAQMD determined that approximately 35% of all hourly average readings over the past year  
13 exceeded the California Office of Environmental Health Hazard Assessment ("OEHHA") acute  
14 standard of 30 parts per billion ("ppb") on a 1-hour average. Some readings, across a 1-hour average,  
15 exceeded 300 ppb, ten times the OEHHA standard. The highest single reading exceeded 500 ppb.  
16 SCAQMD Monitoring and Analysis staff concluded from this data review that there was clear  
17 indication that air emissions from CCL were having significant impact to the community.

18           53.     The Los Angeles County Department of Public Health also received monitoring data  
19 of these community monitoring stations around CCL, including, eventually, real-time access to this  
20 data. Dr. Nichole Quick, the Department's Deputy Director for Health Protection, reviewed the data  
21 and concluded that, if assumed accurate, it showed evidence that there were likely health impacts  
22 observed in the community due to H2S exposure. Dr. Quick noted that physiological health impacts  
23 of H2S at the 1-hour acute standard of 30 ppb would often include headaches, nausea, and  
24 respiratory irritation. Dr. Quick observed that because the data from communities around CCL  
25 indicated significant exceedances of the 30 ppb standard, symptoms could be more prolonged or  
26 intense.

27           54.     On October 17, 2023, SCAQMD, in coordination with LA Fire/Hazmat agents,  
28 conducted an unannounced inspection and attempted to collect samples of the leachate exposed to

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1 the air from Defendants' property. Defendants denied access to collect samples of the leachate.  
2 SCAQMD collected air samples at both the fence line and within the nearby community at that time.  
3 SCAQMD Monitoring and Analysis staff tested the samples within 24-hours and reviewed the  
4 laboratory results. Of those reviewed, several indicated levels of benzene above expected  
5 background levels, but below the 8-hour acute standard of 8ppb set by OEHHA.

6 55. At least one sample result, collected on November 6, 2023, reported the benzene  
7 level well above the 8-hour acute standard, measured at 69.5 ppb. SCAQMD learned about the result  
8 on December 8, 2023 (though the lab report was dated November 9, 2023). SCAQMD Monitoring  
9 and Analysis staff discussed this result with the third-party lab that performed the analysis to inquire  
10 about potential anomalies in the lab methods. The third-party lab confirmed the validity of the  
11 results.

12 56. Based on review of the laboratory sample reports made available to SCAQMD, Dr.  
13 Quick concluded that there is ample evidence supporting health impacts to the community from air  
14 contaminants from CCL.

15 **D. Conclusion of SCAQMD Investigation**

16 57. The SCAQMD has found that a subsurface reaction over an approximately 30-acre  
17 portion of CCL is the source of significant odors, which are causing injury, detriment, nuisance  
18 and/or annoyance to residents located in neighboring communities.

19 58. Defendants are also in violation of Rule 430, Rule 3002(c)(1) and Rule 203(b) for  
20 failing to report a breakdown to the SCAQMD in equipment which causes a violation of a rule of  
21 regulation of the SCAQMD. Defendants failed to maintain the full and proper working order of the  
22 leachate collection system, as required by Defendants' leachate collection system permit. Fully and  
23 properly operated, the leachate collection system captures leachate and collects it subsurface.  
24 However, leachate has been and continues to evade the leachate collection system, is exposed to  
25 ambient air, and is only collected by separate, external trucks, which are not part of Defendants'  
26 leachate collection system. Accordingly, the SCAQMD's Hearing Board concluded that there has  
27 been, and is an ongoing, breakdown in Defendants' leachate collection system.  
28

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1           59. On January 17, 2024, Defendants were issued an Order for Abatement and the  
2 Hearing Board ordered Defendants to take significant actions, such as:<sup>1</sup>

- 3           a. Immediate Leachate Collection: Twice daily inspections for leachate and the  
4           immediate removal of any pooling or ponding liquid in a sealed tank/truck.  
5           b. Excavation Plan and Interim Mitigation: Submit a complete excavation plan  
6           that includes proper management of soil, methane monitoring, dust  
7           suppression, and the immediate relocation of any excavated soil from the  
8           property. Until the plan is approved, the landfill must undertake interim  
9           mitigation measures to limit odor and fugitive dust during excavating  
10           activities.  
11           c. Expand Collection and Extraction Wells: To collect gas and leachate as  
12           needed and properly cover wells to prevent leaks, as well as take precautions  
13           to avoid or limit escape of any liquids during well building or maintenance.  
14           d. Expanded Monitoring: Install continuous air monitors in the community  
15           where odors have been reported for gases associated with landfills. Monitor  
16           for benzene and other volatile organic compounds (VOCs). Increase  
17           laboratory sampling in the community to 3 times per week until the monitors  
18           are in place. Take monthly samples of leachate at the reaction area, the areas  
19           with the highest temperature, and the bottom of the tanks where leachate is  
20           stored. Conduct an additional study of surface air emissions from the landfill.  
21           e. Increased Transparency: Provide all past and current air monitoring data to  
22           SCAQMD immediately for review. Develop a webpage to display real-time  
23           monitoring information within 30 days.

24           60. Defendants will return for a status hearing on April 24 and 25, 2024, to report on the  
25 status of implementation of the Order for Abatement.

26  
27  
28 <sup>1</sup> <https://www.aqmd.gov/docs/default-source/news-archive/2024/ccl-mod-oa-jan17-2024.pdf>

1           **E.     Plaintiffs' Injuries**

2           61.     PLAINTIFFS are individuals and families who live and work within the neighboring  
3 communities to the CCL, and given their proximity to the CCL, were sickened and injured as a  
4 result of exposure to the noxious fumes and odors.

5           62.     Due to the high levels of hydrogen sulfide and other toxic air pollutants, Plaintiffs  
6 claim damages for physical injury (for which many have sought medical treatment), fear of future  
7 physical injury, increased risk of future injury, including the need for medical monitoring, emotional  
8 distress, harm to real and personal property, medical expenses, relocation expenses, and other  
9 economic damages.

10          63.     PLAINTIFFS' injuries include but are not limited to, headaches, lightheadedness,  
11 dizzy spells, asthma, other breathing conditions, rashes, cancers, tumors, and other related  
12 symptoms, as well as other harms not yet known. Plaintiffs are informed and believe, and thereon  
13 allege, that some or all of the health effects may result in chronic and/or ongoing injuries.

14           **V.     BASIS FOR MEDICAL MONITORING DAMAGES**

15          64.     Defendants have exposed Plaintiffs to excessive levels of hydrogen sulfide and other  
16 chemicals and toxins proven hazardous to human health.

17          65.     Defendants have also exposed Plaintiffs to environmental conditions proven  
18 hazardous to mental health.

19          66.     The exposure to these dangerous substances and conditions is such that Plaintiffs  
20 have been placed at an increased risk of contracting latent illness and disease, including but not  
21 limited to respiratory, cardiovascular, neurological, and mental health issues, and as such, require  
22 medical monitoring which Defendants are responsible for providing and paying for.

23          67.     Monitoring and testing procedures for respiratory, cardiovascular, and neurological  
24 disorders and other illnesses associated with exposure to hydrogen sulfide and other chemicals exist,  
25 as well as for mental health issues, which make the early detection and treatment of such diseases  
26 and health conditions possible and beneficial.

27          68.     Accordingly, Plaintiffs are entitled to compensatory damages for medical  
28 monitoring.

1 **VI. CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

3 **NEGLIGENCE**

4 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability  
5 Company; Waste Connections of California, Inc., a California Corporation; Chiquita  
6 Canyon, Inc., a Delaware Corporation; Waste Connections US, Inc., a Delaware  
7 Corporation; and DOES 1-150)**

8 69. PLAINTIFFS incorporate by reference all allegations of the preceding paragraphs as  
9 though fully set forth herein.

10 70. At all relevant times, Defendants and each of them, owned, operated, inspected,  
11 controlled, managed, and/or maintained CCL.

12 71. At all relevant times prior to this incident, Defendants and each of them, had the duty  
13 to exercise the utmost care and diligence in the ownership, design, operation, management,  
14 supervision, inspection, maintenance, repair, and/or control of CCL in compliance with relevant  
15 regulations and industry standards, so as not to cause harm to individual persons, private and public  
16 property, the environment, public resources, public health, and/or the comfortable use and  
17 enjoyment of property and life by the public.

18 72. At all relevant times, Defendants and each of them, negligently, carelessly,  
19 recklessly, and/or unlawfully used, owned, operated, managed, supervised, maintained, repaired,  
20 and/or controlled CCL, including but not limited to (a) failing to implement reasonable safety and  
21 leak prevention practices; (b) failing to properly inspect, assess, and/or evaluate the integrity of CCL  
22 in compliance with applicable safety standards and regulations; and/or (c) failing to have an  
23 adequate and appropriate response plan to timely, adequately, promptly and properly respond to and  
24 contain leaks.

25 73. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and  
26 each of them, Plaintiffs have suffered damages, including but not limited to inhalation of noxious  
27 and toxic gases, chemicals, and/or fumes resulting in personal injuries including, but not limited to,  
28 severe headaches, dizziness, difficulty breathing, and other harms known and as yet unknown. Upon  
information and belief, some or all of the health effects may result in permanent impairments and/or  
disabilities, all to their general damage in a sum according to proof.

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74. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS are required to, and continue to, employ physicians and/or other health care providers to examine, treat, and care for their injuries. PLAINTIFFS have incurred, and will continue to incur, medical and incidental expenses for such examination, treatment, rehabilitation, and care, all in an amount according to proof.

75. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS have been put at risk for the development of latent health problems, such that they now require medical monitoring for such problems in the future.

76. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS have incurred, and will continue to incur, a loss of income and/or a loss of earning capacity, all in an amount according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

77. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS have incurred, and will continue to incur, a loss of revenues and profits from the operation of their businesses, all in an amount according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

78. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS have suffered and will continue to suffer the loss of the quiet use and enjoyment of their property, as well as public properties located in the area, have suffered and will continue to suffer the diminution of the value of their property, and/or have been or will be required to expend monies to repair and/or restore the property to its condition prior to the blowout, all in an amount according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

**SECOND CAUSE OF ACTION**  
**NEGLIGENCE PER SE – VIOLATION OF CALIFORNIA HEALTH AND SAFETY**  
**CODE § 41700**

(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability Company; Waste Connections of California, Inc., a California Corporation; Chiquita Canyon, Inc., a Delaware Corporation; Waste Connections US. Inc., a Delaware

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Attorneys at Law  
Beverly Hills, California

**Corporation; and DOES 1–150)**

79. PLAINTIFFS incorporate by reference all allegations of the preceding paragraphs as though fully set forth herein.

80. Prior to and at all times relevant hereto, California Health and Safety Code Section 41700 was in full force and effect. That statute states, in pertinent part:

**41700 – Health and Safety Code**

(a) Except as otherwise provided in Section 41705, a person shall not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property.

81. PLAINTIFFS were among the class of persons that California Health and Safety Code Section 41700 was intended to protect.

82. At the time of the incident giving rise to this action, Defendants, and each of them, violated the California Health and Safety Code Section 41700 by, inter alia, inadequately containing landfill gas, leachate, and associated surface emissions at CCL, which has caused odor and other unlawful emissions from the landfill. SCAQMD received more than 7,000 resident complaints of an odor nuisance with CCL as the source. SCAQMD has issued approximately 110 NOVs against CCL for public nuisance in violation of the agency's Rule 402 and California Health and Safety Code Section 41700.

83. Defendants' violation of California Health and Safety Code Section 41700, was the sole, direct, and proximate cause of the incident out of which this action arises and Plaintiffs' resulting injuries and damages.

84. As a direct and proximate result of the above-described negligent conduct and tortious acts and omissions of Defendants, and each of them, PLAINTIFFS sustained serious personal injuries, which have caused, and continue to cause PLAINTIFFS pain and suffering, all to their general and non-economic damages in an amount which will be stated according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

85. As a direct and proximate result of the above-described negligent conduct and tortious acts and omissions of Defendants, and each of them, PLAINTIFFS sustained serious injuries

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1 which have required hospitalization, therapy and rehabilitation and which continue to require  
2 medical care and treatment, all to PLAINTIFFS' special and economic damages, will be stated  
3 according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

4 86. As a direct and proximate result of the above-described negligent conduct and  
5 tortious acts and omissions of Defendants, and each of them, PLAINTIFFS have suffered and will  
6 continue to suffer the loss of the quiet use and enjoyment of their property, as well as public  
7 properties located in the area, have suffered and will continue to suffer the diminution of the value  
8 of their property, and/or have been or will be required to expend monies to repair and/or restore the  
9 property to its condition prior to the blowout, will be stated according to proof at the time of trial  
10 pursuant to California Code of Civil Procedure § 425.10.

11 **THIRD CAUSE OF ACTION**  
12 **STRICT LIABILITY FOR ULTRAHAZARDOUS ACTIVITIES**  
13 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
14 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
15 **Canyon, Inc., a Delaware Corporation; Waste Connections US. Inc., a Delaware**  
16 **Corporation; and DOES 1-150)**

17 87. PLAINTIFFS incorporate by reference all allegations of the preceding paragraphs as  
18 though fully set forth herein.

19 88. At all times herein, Defendants were the owner and operator of CCL. The CCL is  
20 located centrally, 500 feet from Val Verde residences and 150 feet from a United State Post Office.  
21 To the north of the CCL is the Hasley Equestrian Center, Hasley Canyon Park, Val Verde Park,  
22 Live Oak Elementary School and Santa Clarita Valley International School which are also in close  
23 proximity to the CCL.

24 89. At all times relevant to this action, Defendants, and each of them, had supervision,  
25 custody, and control of the CCL.

26 90. At all times relevant to this action, Defendants, and each of them, were under a  
27 continuing duty to protect the Plaintiffs from the natural consequences of mishandling of chemicals,  
28 including but not limited to hydrogen sulfide and sulfur-containing which is exuded as a result of  
handling landfill and solid waste disposal, at CCL.

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1 91. Defendants, and each of them, were engaged in an ultrahazardous activity by  
2 handling, landfill gas collection and control system that includes vertical and horizontal gas  
3 collection wells and associated piping and trenches multiple collection headers and blowers for  
4 venting landfill gas, a landfill gas treatment system, a condensate/leachate collection system and  
5 two flares which combust landfill gas that contain hazardous chemicals, including but not limited  
6 to hydrogen sulfide and sulfur-containing wastewater, at CCL.

7 92. PLAINTIFFS have suffered harm as a result of Defendants' conduct as described  
8 herein including but not limited to: physical injury, loss of use and enjoyment of their homes and  
9 other expenses.

10 93. The injuries sustained by PLAINTIFFS as a result of Defendants' conduct described  
11 herein were the direct and proximate result of Defendants' activities.

12 94. The harm to PLAINTIFFS was and is the kind of harm that would be reasonably  
13 anticipated as a result of the risks created by the improper handling of landfill and solid waste  
14 disposal that contain hazardous chemicals.

15 95. Defendants' harm to PLAINTIFFS was foreseeable because fugitive discharge of  
16 hydrogen sulfide and other chemicals from CCL would reasonably result in a significant  
17 environmental impact on the surrounding communities.

18 96. Defendants' operation and use of CCL and resulting discharge was and remains a  
19 substantial factor in causing the harms suffered by Plaintiffs.

20 97. Defendants, and each of them, are liable to PLAINTIFFS for all damages arising  
21 from this ultrahazardous activity, including all compensatory damages, and punitive damages  
22 pursuant to Cal Civ. Code § 3294, and attorney's fees pursuant to Cal Civ. Code § 1021.5.

23 98. Defendants are liable to PLAINTIFFS for all damages arising from their violations  
24 of California Civil Code section 3479 and California Health & Safety Code section 25510(a),  
25 including compensatory and injunctive relief, punitive damages pursuant to California Civil Code §  
26 3294, and attorneys' fees pursuant to California Code of Civil Procedure § 1021.5.

27 99. The wrongful acts, representations and/or omissions of Defendants, hereinabove set  
28 forth, were made, adopted, approved, authorized, endorsed and/or ratified by their officers, directors

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1 or managing agents, and were done maliciously, oppressively, fraudulently and/or with a willful and  
2 knowing disregard of the probable dangerous consequences for the health and safety of Plaintiffs  
3 and their community.

4 100. The officers, directors and/or managing agents of Defendants had advanced  
5 knowledge of the storing of products containing harmful chemicals. The officers, directors and/or  
6 managing agents of Defendants had advanced knowledge that a failure to properly store, maintain,  
7 and/or inspect the condition of CCL would result in the probability of a catastrophic event, which  
8 foreseeably would lead to harm and/or injuries to the health and safety of Plaintiffs and their  
9 community, generally.

10 101. In failing to take protective measures to safeguard against the danger, the officers,  
11 directors and/or managing agents of Defendants acted with a willful and/or knowing disregard of  
12 the probable dangerous consequences, and/or acted with an awareness of the probable dangerous  
13 consequences of their conduct and deliberately failed to avoid those consequences, thereby creating  
14 a substantial risk of injury to Plaintiffs and the surrounding community.

15 102. PLAINTIFFS are entitled to punitive and exemplary damages in an amount to be  
16 ascertained, which is appropriate to punish or set an example of Defendants and deter such behavior  
17 by Defendants and others in the future.

18 **FOURTH CAUSE OF ACTION**  
19 **PRIVATE NUISANCE - CONTINUING**  
20 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
21 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
22 **Canyon, Inc., a Delaware Corporation; Waste Connections US, Inc., a Delaware**  
23 **Corporation; and DOES 1-150)**

24 103. PLAINTIFFS incorporate by reference all allegations of the preceding paragraphs as  
25 though fully set forth herein.

26 104. PLAINTIFFS own and/or occupy property at or near the exposed area. At all relevant  
27 times, PLAINTIFFS had a right to occupy, enjoy, and/or use their property without interference by  
28 Defendants.

105. Defendants and each of them, by reason of their wrongful acts and/or omissions  
created a condition that (a) was harmful to PLAINTIFFS' health; (b) was indecent and/or offensive

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1 to PLAINTIFFS' senses; (c) was an obstruction of PLAINTIFFS' free use and enjoyment of their  
2 property, so as to interfere with their comfortable enjoyment of life and/or property; and/or (d)  
3 unlawfully obstructed PLAINTIFFS' free passage or use, in the customary manner, of public parks,  
4 squares, streets, and/or highways in the exposed area.

5 106. PLAINTIFFS did not consent to Defendants' conduct. To the extent PLAINTIFFS  
6 gave any express or implied permission for the maintenance improper handling landfill and solid  
7 waste disposal that contain hazardous chemicals. Such permission extended only to a properly  
8 maintained, up-to-date, and safe facility, and Defendants and each of them, exceeded the scope of  
9 any such consent by operating a shoddy, dangerous, aging, and faulty containment facility near  
10 Plaintiffs' property.

11 107. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or  
12 disturbed by the conduct of Defendants and each of them.

13 108. The seriousness of PLAINTIFFS' injuries outweighs any public benefit from the  
14 conduct of Defendants and each of them.

15 109. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
16 each of them, PLAINTIFFS have suffered, and will continue to suffer, discomfort, annoyance,  
17 anxiety, fear, worries, and stress attendant to the interference with PLAINTIFFS' occupancy,  
18 possession, use, and/or enjoyment of their property, as alleged above.

19 110. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
20 each of them, PLAINTIFFS suffered and continue to suffer damages as herein above set forth.

21 **FIFTH CAUSE OF ACTION**  
22 **PRIVATE NUISANCE - PERMANENT**

23 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
24 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
25 **Canyon, Inc., a Delaware Corporation; Waste Connections US. Inc., a Delaware**  
26 **Corporation; and DOES 1-150)**

27 111. PLAINTIFFS incorporate and re-allege each of the paragraphs above as though fully  
28 set forth herein.

112. Defendants and each of them, by reason of their wrongful acts and/or omissions  
created a permanent condition that (a) is harmful to Plaintiffs' health; (b) is indecent and/or offensive

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1 to Plaintiffs' senses; (c) is an obstruction of Plaintiffs' free use of their property, so as to interfere  
2 with the comfortable enjoyment of life or property; and/or (d) unlawfully obstructs Plaintiffs' free  
3 passage or use, in the customary manner, of public parks, squares, streets, and/or highways in the  
4 exposed area.

5 113. This permanent condition has interfered with Plaintiffs' free use and enjoyment of  
6 their land, along with numerous other neighbors, in the form of damage to buildings, a significant  
7 decrease in the value of the property, exposure to an array of toxic substances on the land, and/or a  
8 lingering and foul smell of toxic gases, permeating the air surrounding their property and invading  
9 their homes.

10 114. PLAINTIFFS did not consent to the conduct of Defendants and each of them, which  
11 was a substantial factor in causing Plaintiffs' harm.

12 115. An ordinary person would be reasonably annoyed or disturbed by the conduct of  
13 Defendants and each of them.

14 116. The seriousness of the harm outweighs any public benefit of Defendants' conduct.

15 117. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
16 each of them, PLAINTIFFS suffered and continue to suffer damages as herein above set forth.

17 **SIXTH CAUSE OF ACTION**  
18 **PUBLIC NUISANCE - CONTINUING**

19 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
20 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
21 **Canyon, Inc., a Delaware Corporation; Waste Connections US, Inc., a Delaware**  
22 **Corporation; and DOES 1-150)**

23 118. PLAINTIFFS incorporate and re-allege each of the paragraphs above as though fully  
24 set forth herein.

25 119. PLAINTIFFS own and/or occupy property at or near the exposed area. At all relevant  
26 times, Plaintiffs had a right to occupy, enjoy, and/or use their property without interference by  
27 Defendants.

28 120. Defendants and each of them, by reason of their wrongful acts and/or omissions  
created a condition that (a) is harmful to PLAINTIFFS' health; (b) is indecent and/or offensive to  
PLAINTIFFS' senses; (c) is an obstruction of PLAINTIFFS' free use of their property, so as to

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1 interfere with the comfortable enjoyment of life or property; and/or (d) unlawfully obstructs  
2 PLAINTIFFS' free passage or use, in the customary manner, of public parks, squares, streets, and/or  
3 highways in the exposed area.

4 121. This condition has interfered with PLAINTIFFS' free use and enjoyment of their  
5 land, along with numerous other neighbors, in the form of damage to buildings, a significant  
6 decrease in the value of the property, exposure to an array of toxic substances on the land, and/or a  
7 lingering and foul smell of toxic gases, permeating the air surrounding their property and invading  
8 their homes.

9 ~~122. The condition that Defendants created and/or permitted to exist affected a substantial~~  
10 number of people within the general public, including causing Plaintiffs to relocate, personal injuries  
11 and disturbance in the enjoyment of everyday living.

12 123. PLAINTIFFS did not consent to the conduct of Defendants and each of them, which  
13 was a substantial factor in causing Plaintiffs' harm.

14 124. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or  
15 disturbed by the condition created by each and every Defendant.

16 125. The seriousness of the harm outweighs any public benefit of Defendants' conduct.

17 126. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
18 each of them, PLAINTIFFS suffered and continue to suffer damages as herein above set forth.

19 **SEVENTH CAUSE OF ACTION**  
20 **PUBLIC NUISANCE - PERMANENT**

21 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
22 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
23 **Canyon, Inc., a Delaware Corporation; Waste Connections US, Inc., a Delaware**  
24 **Corporation; and DOES 1-150)**

25 127. PLAINTIFFS incorporate and re-allege each of the paragraphs above as though fully  
26 set forth herein.

27 128. PLAINTIFFS own and/or occupy property at or near the exposed area. At all relevant  
28 times, PLAINTIFFS had a right to occupy, enjoy, and/or use their property without interference by  
Defendants.

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1 129. Defendants and each of them, by reason of their wrongful acts and/or omissions  
2 created a permanent condition that (a) is harmful to PLAINTIFFS' health; (b) is indecent and/or  
3 offensive to PLAINTIFFS' senses; (c) is an obstruction of PLAINTIFFS' free use of their property,  
4 so as to interfere with the comfortable enjoyment of life or property; and/or (d) unlawfully obstructs  
5 PLAINTIFFS' free passage or use, in the customary manner, of public parks, squares, streets, and/or  
6 highways in the exposed area.

7 130. This condition has interfered with PLAINTIFFS' free use and enjoyment of their  
8 land, along with numerous other neighbors, in the form of damage to buildings, a significant  
9 decrease in the value of the property, exposure to an array of toxic substances on the land, and/or a  
10 lingering and foul smell of toxic gases, permeating the air surrounding their property and invading  
11 their homes.

12 131. The condition that Defendants created and/or permitted to exist affected a substantial  
13 number of people within the general public, including causing PLAINTIFFS to relocate, personal  
14 injuries, and disturbance in the enjoyment of everyday living.

15 132. The condition described herein is permanent.

16 133. PLAINTIFFS did not consent to the conduct of Defendants and each of them, which  
17 was a substantial factor in causing Plaintiffs' harm.

18 134. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or  
19 disturbed by the condition created by each and every Defendant.

20 135. The seriousness of the harm outweighs any public benefit of Defendants' conduct.

21 136. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
22 each of them, PLAINTIFFS suffered and continue to suffer damages as herein above set forth.

23 **EIGHT CAUSE OF ACTION**  
24 **TRESPASS**

25 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
26 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
**Canyon, Inc., a Delaware Corporation; Waste Connections US. Inc., a Delaware**  
**Corporation; and DOES 1-150)**

27 137. PLAINTIFFS incorporate and re-allege each of the paragraphs above as though fully  
28 set forth herein.

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1 138. PLAINTIFFS own and/or occupy property at or near the exposed area. At all relevant  
2 times, Plaintiffs had a right to occupy, enjoy, and/or use their property without interference by  
3 Defendants.

4 139. Defendants and each of them, caused a trespass by allowing or causing to seep or  
5 migrate underground, benzene, hydrogen sulfide, sulfur dioxide, and other unknown chemicals and  
6 matter beyond the boundary of CCL in such a manner that it was reasonably foreseeable that the  
7 pollutants would, in due course, invade PLAINTIFFS' real property and cause physical injury to  
8 that property.

9 140. Defendants and each of them, were engaged in an ultra-hazardous activity and/or  
10 intentionally, recklessly, and/or negligently caused toxic and noxious chemicals, gases, and/or  
11 fumes to escape the CCL and invade PLAINTIFFS' property, including the air space surrounding,  
12 above, and within Plaintiffs' residence.

13 141. PLAINTIFFS did not give permission for this direct and/or indirect entry.

14 142. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
15 each of them, PLAINTIFFS suffered and continue to suffer damages as described above and in  
16 amount according to proof at trial.

17 **VII. PRAYER FOR RELIEF**

18 WHEREFORE, PLAINTIFFS request relief against all Defendants as follows:

- 19 a. a judgment in favor of PLAINTIFFS on all claims;  
20 b. for compensatory and general damages according to proof;  
21 c. an award to PLAINTIFFS for the amount of damages, including personal  
22 injuries, property damage, damage to the health of their pets, and diminution  
23 in property value, according to proof;  
24 d. loss of the use and benefit of PLAINTIFFS' real and/or personal property;  
25 e. past and future medical expenses and incidental expenses according to proof;  
26 f. loss of wages, earning capacity, and/or business profits or proceeds and/or  
27 any related displacement expenses, according to proof;  
28 g. an immediate temporary injunction against Defendants to prevent further

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- 1 harm to Plaintiffs and to include provisions for further ongoing monitoring  
2 of Plaintiffs' property and potential remediation by Defendants;  
3 h. the cost of future medical monitoring;  
4 i. general damages for fear, worry, annoyance, discomfort, disturbance,  
5 inconvenience, mental anguish, emotional distress, and loss of quiet  
6 enjoyment of property;  
7 j. an award to PLAINTIFFS for punitive and exemplary damages according to  
8 proof;  
9 k. all costs of suit, including attorneys' fees where appropriate, appraisal fees,  
10 engineering fees and related costs;  
11 l. for reasonable attorneys' fees pursuant to California Code of Civil Procedure,  
12 section 1021.5;  
13 m. for pre- and post-judgment interest at the legal rate on all amounts awarded;  
14 and  
15 n. for all other relief as this Court may deem just and proper.

16 DATED: February 2, 2024

KIESEL LAW LLP

17  
18 By: 

19 Paul R. Kiesel  
20 Mariana A. McConnell  
21 Marine Davtyan  
22 Lauren Kiesel

23  
24 Counsel for Plaintiffs  
25  
26  
27  
28

1 **VIII. JURY TRIAL DEMAND**

2 PLAINTIFFS demand a trial by jury on all of the triable issues within this Complaint.

3 DATED: February 2, 2024

**KIESEL LAW LLP**

4

5

By:



6

Paul R. Kiesel

7

Mariana A. McConnell

8

Marine Davtyan

Lauren Kiesel

9

Counsel for Plaintiffs

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# EXHIBIT B

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul R. Kiesel, State Bar No. 119854 Kiesel Law LLP, 8648 Wilshire Blvd., Beverly Hills, California 90211		<b>FOR COURT USE ONLY</b>  <b>Electronically FILED by</b> <b>Superior Court of California,</b> <b>County of Los Angeles</b> <b>2/02/2024 2:50 PM</b> <b>David W. Slayton,</b> <b>Executive Officer/Clerk of Court,</b> <b>By J. Covarrubias, Deputy Clerk</b>	
TELEPHONE NO.: 310-854-4444 FAX NO.: 310-854-0812 EMAIL ADDRESS: kiesel@kiesel.law ATTORNEY FOR (Name): Plaintiffs			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: SAME CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse			
CASE NAME: John Suggs, et al v Chiquita Canyon, LLC., et. al.			
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$35,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$35,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: <b>24STCV02836</b>  JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check <b>one</b> box below for the case type that best describes this case:		
<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |   |  |
|---|--|
| a. <input checked="" type="checkbox"/> Large number of separately represented parties   | d. <input checked="" type="checkbox"/> Large number of witnesses   |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): Eight
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 2, 2024

Paul R. Kiesel

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

SHORT TITLE John Suggs, et. al. v Chiquita Canyon, LLC, et. al.	CASE NUMBER <b>24STCV02836</b>
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION**  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

**This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court**

**Step 1:** After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

**Step 2:** In Column B, check the box for the type of action that best describes the nature of the case.

**Step 3:** In Column C, circle the number which explains the reason for the court filing location you have chosen.

**Applicable Reasons for Choosing Courthouse Location (Column C)**

1. Class Actions must be filed in the Stanley Mosk Courthouse, Central District.	7. Location where petitioner resides.
2. Permissive filing in Central District.	8. Location wherein defendant/respondent functions wholly.
3. Location where cause of action arose.	9. Location where one or more of the parties reside.
4. Location where bodily injury, death or damage occurred.	10. Location of Labor Commissioner Office.
5. Location where performance required, or defendant resides.	11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection).
6. Location of property or permanently garaged vehicle.	

	<b>A</b> Civil Case Cover Sheet Case Type	<b>B</b> Type of Action (check only one)	<b>C</b> Applicable Reasons (see Step 3 above)
<b>Auto Tort</b>	Auto (22)	<input type="checkbox"/> 2201 Motor Vehicle – Personal Injury/Property Damage/Wrongful Death	1, 4
	Uninsured Motorist (46)	<input type="checkbox"/> 4601 Uninsured Motorist – Personal Injury/Property Damage/Wrongful Death	1, 4
<b>Other Personal Injury/ Property Damage/ Wrongful Death</b>	Other Personal Injury/ Property Damage/ Wrongful Death (23)	<input type="checkbox"/> 2301 Premise Liability (e.g., dangerous conditions of property, slip/trip and fall, dog attack, etc.)	1, 4
		<input type="checkbox"/> 2302 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, battery, vandalism, etc.)	1, 4
		<input type="checkbox"/> 2303 Intentional Infliction of Emotional Distress	1, 4
		<input checked="" type="checkbox"/> 2304 Other Personal Injury/Property Damage/Wrongful Death	1, <b>4</b>
		<input type="checkbox"/> 2305 Elder/Dependent Adult Abuse/Claims Against Skilled Nursing Facility	1, 4
		<input type="checkbox"/> 2306 Intentional Conduct – Sexual Abuse Case (in any form)	1, 4

SHORT TITLE John Suggs, et. al. v Chiquita Canyon, LLC, et. al.		CASE NUMBER	
	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Other Personal Injury/ Property Damage/ Wrongful Death		<input type="checkbox"/> 2307 Construction Accidents	1, 4
		<input type="checkbox"/> 2308 Landlord – Tenant Habitability (e.g., bed bugs, mold, etc.)	1, 4
	Product Liability (24)	<input type="checkbox"/> 2401 Product Liability (not asbestos or toxic/ environmental)	1, 4
		<input type="checkbox"/> 2402 Product Liability – Song-Beverly Consumer Warranty Act (CA Civil Code §§1790-1795.8) (Lemon Law)	1, 3, 5
	Medical Malpractice (45)	<input type="checkbox"/> 4501 Medical Malpractice – Physicians & Surgeons	1, 4
		<input type="checkbox"/> 4502 Other Professional Health Care Malpractice	1, 4
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> 0701 Other Commercial/Business Tort (not fraud or breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> 0801 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> 1301 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> 1601 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> 2501 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> 2502 Other Professional Malpractice (not medical or legal)	1, 2, 3
	Other (35)	<input type="checkbox"/> 3501 Other Non-Personal Injury/Property Damage Tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> 3601 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> 1501 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> 1502 Labor Commissioner Appeals	10
Contract	Breach of Contract / Warranty (06) (not insurance)	<input type="checkbox"/> 0601 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> 0602 Contract/Warranty Breach – Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> 0603 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> 0604 Other Breach of Contract/Warranty (no fraud/ negligence)	1, 2, 5
		<input type="checkbox"/> 0605 Breach of Rental/Lease Contract (COVID-19 Rental Debt)	2, 5
	Collections (09)	<input type="checkbox"/> 0901 Collections Case – Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> 0902 Other Promissory Note/Collections Case	5, 11
		<input type="checkbox"/> 0903 Collections Case – Purchased Debt (charged off consumer debt purchased on or after January 1, 2014)	5, 6, 11
		<input type="checkbox"/> 0904 Collections Case – COVID-19 Rental Debt	5, 11
	Insurance Coverage (18)	<input type="checkbox"/> 1801 Insurance Coverage (not complex)	1, 2, 5, 8

SHORT TITLE John Suggs, et. al. v Chiquita Canyon, LLC, et. al.		CASE NUMBER	
	<b>A</b> Civil Case Cover Sheet Case Type	<b>B</b> Type of Action (check only one)	<b>C</b> Applicable Reasons (see Step 3 above)
<b>Contract</b> (Continued)	Other Contract (37)	<input type="checkbox"/> 3701 Contractual Fraud	1, 2, 3, 5
		<input type="checkbox"/> 3702 Tortious Interference	1, 2, 3, 5
		<input type="checkbox"/> 3703 Other Contract Dispute (not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
<b>Real Property</b>	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> 1401 Eminent Domain/Condemnation Number of Parcels _____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> 3301 Wrongful Eviction Case	2, 6
<b>Real Property</b>	Other Real Property (26)	<input type="checkbox"/> 2601 Mortgage Foreclosure	2, 6
		<input type="checkbox"/> 2602 Quiet Title	2, 6
		<input type="checkbox"/> 2603 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
<b>Unlawful Detainer</b>	Unlawful Detainer – Commercial (31)	<input type="checkbox"/> 3101 Unlawful Detainer – Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Residential (32)	<input type="checkbox"/> 3201 Unlawful Detainer – Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Post Foreclosure (34)	<input type="checkbox"/> 3401 Unlawful Detainer – Post Foreclosure	2, 6, 11
	Unlawful Detainer – Drugs (38)	<input type="checkbox"/> 3801 Unlawful Detainer – Drugs	2, 6, 11
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> 0501 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> 1101 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> 0201 Writ – Administrative Mandamus	2, 8
		<input type="checkbox"/> 0202 Writ – Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> 0203 Writ – Other Limited Court Case Review	2
	Other Judicial Review (39)	<input type="checkbox"/> 3901 Other Writ/Judicial Review	2, 8
		<input type="checkbox"/> 3902 Administrative Hearing	2, 8
<input type="checkbox"/> 3903 Parking Appeal		2, 8	
<b>Provisionally Complex Litigation</b>	Antitrust/Trade Regulation (03)	<input type="checkbox"/> 0301 Antitrust/Trade Regulation	1, 2, 8
	Asbestos (04)	<input type="checkbox"/> 0401 Asbestos Property Damage	1, 11
		<input type="checkbox"/> 0402 Asbestos Personal Injury/Wrongful Death	1, 11

SHORT TITLE John Suggs, et. al. v Chiquita Canyon, LLC, et. al.	CASE NUMBER
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	<b>A</b> Civil Case Cover Sheet Case Type	<b>B</b> Type of Action (check only one)	<b>C</b> Applicable Reasons (see Step 3 above)
<b>Provisionally Complex Litigation</b> (Continued)	Construction Defect (10)	<input type="checkbox"/> 1001 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> 4001 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> 2801 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> 3001 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> 4101 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
<b>Enforcement of Judgment</b>	Enforcement of Judgment (20)	<input type="checkbox"/> 2001 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> 2002 Abstract of Judgment	2, 6
		<input type="checkbox"/> 2004 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> 2005 Petition/Certificate for Entry of Judgment Unpaid Tax	2, 8
		<input type="checkbox"/> 2006 Other Enforcement of Judgment Case	2, 8, 9
<b>Miscellaneous Civil Complaints</b>	RICO (27)	<input type="checkbox"/> 2701 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (not specified above) (42)	<input type="checkbox"/> 4201 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> 4202 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> 4203 Other Commercial Complaint Case (non-tort/noncomplex)	1, 2, 8
		<input type="checkbox"/> 4204 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
<b>Miscellaneous Civil Petitions</b>	Partnership Corporation Governance (21)	<input type="checkbox"/> 2101 Partnership and Corporation Governance Case	2, 8
	Other Petitions (not specified above) (43)	<input type="checkbox"/> 4301 Civil Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4302 Workplace Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4303 Elder/Dependent Adult Abuse Case with Damages	2, 3, 9
		<input type="checkbox"/> 4304 Election Contest	2
		<input type="checkbox"/> 4305 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> 4306 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> 4307 Other Civil Petition	2, 9

SHORT TITLE John Suggs, et. al. v Chiquita Canyon, LLC, et. al.	CASE NUMBER
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**Step 4: Statement of Reason and Address:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address, which is the basis for the filing location including zip code. (No address required for class action cases.)

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11			ADDRESS: 29293 Val Verde Road
CITY: Castaic	STATE: CA	ZIP CODE: 91384	

**Step 5: Certification of Assignment:** I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code of Civ. Proc., 392 et seq., and LASC Local Rule 2.3(a)(1)(E)]

Dated: 02/02/2024



(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form LASC CIV 109 (01/23).
5. Payment in full of the filing fee, unless there is a court order for waiver, partial or schedule payments.
6. A signed order appointing a Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court to issue a Summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the Summons and Complaint, or other initiating pleading in the case.

1 Paul R. Kiesel, State Bar No. 119854  
kiesel@kiesel.law  
2 Mariana A. McConnell, State Bar No. 273225  
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3 Lauren Kiesel, State Bar No. 334803  
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11 Fax: 818-986-9341

12 *Attorneys for Plaintiffs*

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

15  
16 JOHN SUGGS, et. al,  
17 Plaintiffs,  
18 v.

19 CHIQUITA CANYON, LLC, a Delaware  
Limited Liability Company; WASTE  
20 CONNECTIONS OF CALIFORNIA, a  
California Corporation; CHIQUITA  
21 CANTON, INC., a Delaware Corporation;  
WASTE CONNECTIONS US. INC., a  
22 Delaware Corporation; and DOES 1-150,  
inclusive,

23 Defendants.  
24  
25  
26  
27  
28

Case No. 24STCV02836

**NOTICE OF COURT ORDER RE  
COMPLEX DETERMINATION**

*Assigned for All Purposes to Hon. Kenneth R.  
Freeman  
SSC Dept. 14*

Action Filed: February 2, 2024  
Trial Date: None

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on February 14, 2024, the Court determined the above case to be complex withing the meaning of Rule 3.400 of the California Rules of Court. A true and correct copy of the order is attached hereto as Exhibit 1. Plaintiff is ordered, and hereby does, give notice to all parties.

DATED: February 21, 2024

KIESEL LAW LLP

By: 

PAUL R. KIESEL  
MARIANA A. McCONNELL  
LAUREN KIESEL  
Attorneys for Plaintiffs

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

# **EXHIBIT 1**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 11

**24STCV02836**

**JOHN SUGGS, , et al. vs CHIQUITA CANYON LLC, et al.**

February 14, 2024

3:14 PM

Judge: Honorable David S. Cunningham III

Judicial Assistant: A. Rosas

Courtroom Assistant: C. Concepcion

CSR: None

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

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**NATURE OF PROCEEDINGS:** Court Order Re: Complex Determination;

This case is hereby determined to be complex within the meaning of Rule 3.400 of the California Rules of Court.

The case is ordered reassigned to Judge Kenneth R. Freeman in Department 14 at the Spring Street Courthouse for all further proceedings and for all purposes.

The case is ordered stayed until the Initial Status Conference date. Notice of Initial Status Conference is to be given by the Clerk in Department 14. No responsive pleadings may be filed until further order of the Court. Parties may file a Notice of Appearance in lieu of an Answer or other responsive pleading. The filing of a Notice of Appearance shall not constitute a general appearance, and shall not waive any substantive or procedural challenge to the complaint. Nothing herein stays the time for filing Affidavit of Prejudice pursuant to Code of Civil Procedure section 170.6.

Pursuant to Government Code section 70616 subdivisions (a) and (b), each party is ordered to pay \$1,000.00 for complex fees, payable to Los Angeles Superior Court, within ten (10) calendar days of service of this order.

Any party objecting to the complex designation must file an objection with proof of service in Department 11 within ten (10) days of service of this minute order. Any response to the objection must be filed in Department 11 within seven (7) days of service of the objection. This Court will make its ruling on the submitted pleadings.

Plaintiff is ordered to forthwith serve a copy of this minute order on all parties and file a proof of service within seven (7) days of service.

Certificate of Mailing is attached.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 11

**24STCV02836**

**JOHN SUGGS, , et al. vs CHIQUITA CANYON LLC, et al.**

February 14, 2024

3:14 PM

Judge: Honorable David S. Cunningham III

Judicial Assistant: A. Rosas

Courtroom Assistant: C. Concepcion

CSR: None

ERM: None

Deputy Sheriff: None

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<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		Reserved for Clerk's File Stamp  <b>FILED</b> Superior Court of California County of Los Angeles <b>02/14/2024</b> David W. Slayton, Executive Officer / Clerk of Court By: <u>A. Rosas</u> Deputy
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		
PLAINTIFF/PETITIONER: John Suggs, et al		
DEFENDANT/RESPONDENT: Chiquita Canyon LLC, et al.		
<b>CERTIFICATE OF MAILING</b>		CASE NUMBER: 24STCV02836

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order Re: Complex Determination;) of 02/14/2024 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Mariana McConnell  
Kiesel Law LLP  
8648 Wilshire Boulevard  
Beverly Hills, CA 90211

David W. Slayton, Executive Officer / Clerk of Court

Dated: 02/16/2024

By: A. Rosas  
Deputy Clerk

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 8648 Wilshire Blvd., Beverly Hills, Ca 90211.

On February 21, 2024, I served true copies of the following document(s) described as **NOTICE OF COURT ORDER RE COMPLEX DETERMINATION** on the interested parties in this action as follows:

**Chiquita Canyon, LLC**  
Corporation Service Company  
251 Little Falls Drive  
Wilmington, DE 19808

**Chiquita Canyon Inc.**  
CSC-Lawyers Incorporating Service  
251 Little Falls Drive  
New Castle, DE 19808

**Waste Connections of California**  
Agent- Ron Mittlestaedt  
2295 Iron Point Road #200  
Folsom, Ca 95630

**Waste Connections US Inc.**  
Corporation Service Company  
251 Little Falls Drive  
New Castle, DE 19808

**BY PERSONAL SERVICE:** I personally delivered the document(s) to the person at the addresses listed in the Service List. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 21, 2024, at Beverly Hills, California.



Naila Houston

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

# EXHIBIT C

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  Paul R. Kiesel, State Bar No. 119854; Mariana A. McConnell, State Bar No. 273225  Marine Davtyan, State Bar No. 337476; Lauren M. Kiesel, State Bar No. 334803  <b>KIESEL LAW LLP</b>  8648 Wilshire Boulevard  Beverly Hills, California 90211-2910  TELEPHONE NO.: (310) 854-4444 FAX NO. (Optional): (310) 854-0812  E-MAIL ADDRESS (Optional): kiesel@kiesel.law; mcconnell@kiesel.law; davtyan@kiesel.law; lauren@kiesel.law  ATTORNEY FOR (Name): Plaintiffs, JOHN SUGGS, an individual, et al</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p><b>Electronically FILED by  Superior Court of California,  County of Los Angeles  2/28/2024 9:29 AM  David W. Slayton,  Executive Officer/Clerk of Court,  By G. Carini, Deputy Clerk</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b></p> <p>STREET ADDRESS: 111 N. Hill Street  MAILING ADDRESS: same as above  CITY AND ZIP CODE: Los Angeles, Ca 90012  BRANCH NAME: Stanley Mosk Courthouse</p>	
<p>PLAINTIFF/PETITIONER: JOHN SUGGS, an individual, et al  DEFENDANT/RESPONDENT: CHIQUITA CANYON, LLC, a Delaware Limited Liability Company, et al</p>	<p>CASE NUMBER:  <b>24STCV02836</b></p>
<p style="text-align: center;"><b>PROOF OF SERVICE OF SUMMONS</b></p>	<p>Ref. No. or File No.:  KIELA-0178807.JT</p>

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ Summons
  - b. ☒ Complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet
  - e. ☐ Cross-Complaint
  - f. ☒ Other (specify documents): Civil case cover sheet addendum and statement of location; Notice of Court RE Complex Determination
3. a. Party served (specify name of party as shown on documents served):  
CHIQUITA CANYON, INC., a Delaware Corporation
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):  
Corporation Service Company, agent for service of process by leaving with Lynanne Gares, authorized to accept
4. Address where the party was served: 251 Little Falls Drive, Wilmington, DE 19808
5. I served the party (check proper box)
  - a. ☒ **by personal service.** I personally delivered the documents listed item 2 to the party or person authorized to receive service of process for the party (1) on (date): 02/22/24 (2) at (time): 12:15pm
  - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JOHN SUGGS	CASE NUMBER:
DEFENDANT/RESPONDENT: CHIQUITA CANYON, LLC	24STCV02836

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt*). (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): CHIQUITA CANYON, INC., a Delaware Corporation

under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation)          | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. **Person who served papers**

- a. Name: Gilbert Del Valle, Process Server in Delaware
- b. Address: PO Box 861057, Los Angeles, California 90086
- c. Telephone number: (213) 975-9850
- d. The fee for service was: \$ 45.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: 2/23/2024

Gilbert Del Valle, Process Server in Delaware

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  Paul R. Kiesel, State Bar No. 119854; Mariana A. McConnell, State Bar No. 273225  Marine Davtyan, State Bar No. 337476; Lauren M. Kiesel, State Bar No. 334803  <b>KIESEL LAW LLP</b>  8648 Wilshire Boulevard  Beverly Hills, California 90211-2910  TELEPHONE NO.: (310) 854-4444 FAX NO. (Optional): (310) 854-0812  E-MAIL ADDRESS (Optional): kiesel@kiesel.law; mcconnell@kiesel.law; davtyan@kiesel.law; lauren@kiesel.law  ATTORNEY FOR (Name): Plaintiffs, JOHN SUGGS, an individual, et al</p>	<p>FOR COURT USE ONLY</p> <p><b>Electronically FILED by  Superior Court of California,  County of Los Angeles  2/28/2024 9:29 AM  David W. Slayton,  Executive Officer/Clerk of Court,  By G. Carini, Deputy Clerk</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b></p> <p>STREET ADDRESS: 111 N. Hill Street  MAILING ADDRESS: same as above  CITY AND ZIP CODE: Los Angeles, Ca 90012  BRANCH NAME: Stanley Mosk Courthouse</p>	<p>CASE NUMBER:   <b>24STCV02836</b></p>
<p>PLAINTIFF/PETITIONER: JOHN SUGGS, an individual, et al  DEFENDANT/RESPONDENT: CHIQUITA CANYON, LLC, a Delaware Limited Liability Company, et al</p>	<p>Ref. No. or File No.:   KIELA-0178805.JT</p>
<p><b>PROOF OF SERVICE OF SUMMONS</b></p>	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ Summons
  - b. ☒ Complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet
  - e. ☐ Cross-Complaint
  - f. ☒ Other (specify documents): Civil case cover sheet addendum and statement of location; Notice of Court RE Complex Determination
3. a. Party served (specify name of party as shown on documents served):  
CHIQUITA CANYON, LLC, a Delaware Limited Liability Company
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):  
Corporation Service Company, agent for service of process by leaving with Lynanne Gares, authorized to accept
4. Address where the party was served: 251 Little Falls Drive, Wilmington, DE 19808
5. I served the party (check proper box)
  - a. ☒ **by personal service.** I personally delivered the documents listed item 2 to the party or person authorized to receive service of process for the party (1) on (date): 02/22/24 (2) at (time): 12:15pm
  - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JOHN SUGGS, an individual, et al	CASE NUMBER:
DEFENDANT/RESPONDENT: CHIQUITA CANYON, LLC, a Delaware Limited Liability Company, et al	24STCV02836

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt*). (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): CHIQUITA CANYON, LLC, a Delaware Limited Liability Company

under the following Code of Civil Procedure section:

- |   |  |
|---|--|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown)            |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)  |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                            |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                              |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                                       |
|   | <input checked="" type="checkbox"/> other: CCP 17061 - LIMITED LIABILITY COMPANY |

7. **Person who served papers**

- a. Name: Gilbert Del Valle, Process Server in Delaware
- b. Address: PO Box 861057, Los Angeles, California 90086
- c. Telephone number: (213) 975-9850
- d. The fee for service was: \$ 295.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 2/23/2024

Gilbert Del Valle, Process Server in Delaware

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  Paul R. Kiesel, State Bar No. 119854; Mariana A. McConnell, State Bar No. 273225  Marine Davtyan, State Bar No. 337476; Lauren M. Kiesel, State Bar No. 334803  <b>KIESEL LAW LLP</b>  8648 Wilshire Boulevard  Beverly Hills, California 90211-2910  TELEPHONE NO.: (310) 854-4444 FAX NO. (Optional): (310) 854-0812  E-MAIL ADDRESS (Optional): kiesel@kiesel.law; mcconnell@kiesel.law; davtyan@kiesel.law; lauren@kiesel.law  ATTORNEY FOR (Name): Plaintiffs, JOHN SUGGS, an individual, et al</p>	<p>FOR COURT USE ONLY</p> <p><b>Electronically FILED by  Superior Court of California,  County of Los Angeles  2/28/2024 9:29 AM  David W. Slayton,  Executive Officer/Clerk of Court,  By G. Carini, Deputy Clerk</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b></p> <p>STREET ADDRESS: 111 N. Hill Street  MAILING ADDRESS: same as above  CITY AND ZIP CODE: Los Angeles, Ca 90012  BRANCH NAME: Stanley Mosk Courthouse</p>	<p>CASE NUMBER:  <b>24STCV02836</b></p>
<p>PLAINTIFF/PETITIONER: JOHN SUGGS, an individual, et al  DEFENDANT/RESPONDENT: CHIQUITA CANYON, LLC, a Delaware Limited Liability Company, et al</p>	<p>Ref. No. or File No.:  <b>KIELA-0178808.JT</b></p>
<p><b>PROOF OF SERVICE OF SUMMONS</b></p>	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ Summons
  - b. ☒ Complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet
  - e. ☐ Cross-Complaint
  - f. ☒ Other (specify documents): Civil case cover sheet addendum and statement of location; Notice of Court RE Complex Determination
3. a. Party served (specify name of party as shown on documents served):  
WASTE CONNECTIONS US. INC., a Delaware Corporation
  - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):  
Corporation Service Company, agent for service of process by leaving with Lynanne Gares, authorized to accept
4. Address where the party was served: 251 Little Falls Drive, Wilmington, DE 19808
5. I served the party (check proper box)
  - a. ☒ **by personal service.** I personally delivered the documents listed item 2 to the party or person authorized to receive service of process for the party (1) on (date): 02/22/24 (2) at (time): 12:15pm
  - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ.Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JOHN SUGGS, an individual, et al	CASE NUMBER:
DEFENDANT/RESPONDENT: CHIQUITA CANYON, LLC, a Delaware Limited Liability Company, et al	24STCV02836

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt*). (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): WASTE CONNECTIONS US. INC., a Delaware Corporation

under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation)          | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. **Person who served papers**

- a. Name: Gilbert Del Valle, Process Server in Delaware
- b. Address: PO Box 861057, Los Angeles, California 90086
- c. Telephone number: (213) 975-9850
- d. The fee for service was: \$ 45.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: 2/23/2024

Gilbert Del Valle, Process Server in Delaware

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

# EXHIBIT D



**STATE OF CALIFORNIA**  
*Office of the Secretary of State*  
**STATEMENT OF INFORMATION**  
**LIMITED LIABILITY COMPANY**

California Secretary of State  
 1500 11th Street  
 Sacramento, California 95814  
 (916) 653-3516


For Office Use Only

**-FILED-**

File No.: BA20230754631

Date Filed: 5/8/2023

B1735-9802 05/08/2023 1:21 PM Received by California Secretary of State

Entity Details	
Limited Liability Company Name	CHIQUITA CANYON, LLC
Entity No.	199829610052
Formed In	DELAWARE
Street Address of Principal Office of LLC	
Principal Address	3 WATERWAY SQUARE PL #110 THE WOODLANDS, TX 77380
Mailing Address of LLC	
Mailing Address	3 WATERWAY SQUARE PL #110 THE WOODLANDS, TX 77380
Attention	
Street Address of California Office of LLC	
Street Address of California Office	29201 HENRY MAYO DR CASTAIC, CA 91384
Manager(s) or Member(s)	
Manager or Member Name	Manager or Member Address
CHIQUITA CANYON, INC.	3 WATERWAY SQUARE PL #110 THE WOODLANDS, TX 77380
 RONALD J MITTELSTAEDT	3 WATERWAY SQUARE PLACE STE 110 THE WOODLANDS, TX 77380
Agent for Service of Process	
California Registered Corporate Agent (1505)	CSC - LAWYERS INCORPORATING SERVICE Registered Corporate 1505 Agent
Type of Business	
Type of Business	SOLID WASTE MANAGEMENT
Email Notifications	
Opt-in Email Notifications	Yes, I opt-in to receive entity notifications via email.
Chief Executive Officer (CEO)	
CEO Name	CEO Address
None Entered	
Labor Judgment	
No Manager or Member, as further defined by California Corporations Code section 17702.09(a)(8), has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal is pending, for the violation of any wage order or provision of the Labor Code.	

Electronic Signature

☒ By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.

*Patrick Shea*

Signature

*05/08/2023*

Date

B1735-9803 05/08/2023 1:21 PM Received by California Secretary of State

# EXHIBIT E



BA20230754599



**STATE OF CALIFORNIA**  
*Office of the Secretary of State*  
**STATEMENT OF INFORMATION**  
**CORPORATION**

California Secretary of State  
 1500 11th Street  
 Sacramento, California 95814  
 (916) 653-3516

For Office Use Only

**-FILED-**

File No.: BA20230754599

Date Filed: 5/8/2023

B1735-9725 05/08/2023 1:19 PM Received by California Secretary of State

<b>Entity Details</b>			
Corporation Name	CHIQUITA CANYON, INC.		
Entity No.	3189900		
Formed In	DELAWARE		
<b>Street Address of Principal Office of Corporation</b>			
Principal Address	3 WATERWAY SQUARE PLACE, SUITE 110 THE WOODLANDS, TX 77380		
<b>Mailing Address of Corporation</b>			
Mailing Address	3 WATERWAY SQUARE PLACE, SUITE 110 THE WOODLANDS, TX 77380		
Attention			
<b>Street Address of California Office of Corporation</b>			
Street Address of California Office	None		
<b>Officers</b>			
Officer Name	Officer Address	Position(s)	
Patrick Shea	3 Waterway Square Place, Suite 110 The Woodlands, TX 77380	Secretary	
Mary Anne Whitney	3 Waterway Square Place, Suite 110 The Woodlands, TX 77380	Chief Financial Officer	
RONALD J MITTELSTAEDT	3 WATERWAY SQUARE PLACE STE 110 THE WOODLANDS, TX 77380	Chief Executive Officer	
<b>Additional Officers</b>			
Officer Name	Officer Address	Position	Stated Position
None Entered			
<b>Agent for Service of Process</b>			
California Registered Corporate Agent (1505)	CSC - LAWYERS INCORPORATING SERVICE Registered Corporate 1505 Agent		
<b>Type of Business</b>			
Type of Business	WASTE MANAGEMENT		
<b>Email Notifications</b>			
Opt-in Email Notifications	Yes, I opt-in to receive entity notifications via email.		
<b>Labor Judgment</b>			
No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.			

Electronic Signature

☒ By signing, I affirm that the information herein is true and correct and that I am authorized by California law to sign.

*Patrick Shea*

*05/08/2023*

Signature

Date

B1735-9726 05/08/2023 1:19 PM Received by California Secretary of State

# EXHIBIT F



**STATE OF CALIFORNIA**  
*Office of the Secretary of State*  
**STATEMENT OF INFORMATION**  
**CORPORATION**

California Secretary of State  
 1500 11th Street  
 Sacramento, California 95814  
 (916) 653-3516

For Office Use Only

**-FILED-**

File No.: BA20230761368

Date Filed: 5/9/2023

B1739-5156 05/09/2023 11:58 AM Received by California Secretary of State

<b>Entity Details</b>			
Corporation Name		WASTE CONNECTIONS US, INC.	
Entity No.		2057420	
Formed In		DELAWARE	
<b>Street Address of Principal Office of Corporation</b>			
Principal Address		3 WATERWAY SQUARE PLACE SUITE 110 THE WOODLANDS, TX 77380	
<b>Mailing Address of Corporation</b>			
Mailing Address		3 WATERWAY SQUARE PLACE SUITE 110 THE WOODLANDS, TX 77380	
Attention			
<b>Street Address of California Office of Corporation</b>			
Street Address of California Office		3 WATERWAY SQUARE PLACE SUITE 110 THE WOODLANDS, CA 77380	
<b>Officers</b>			
Officer Name	Officer Address	Position(s)	
PATRICK SHEA	3 WATERWAY SQUARE PLACE SUITE 110 THE WOODLANDS, TX 77380	Secretary	
MARY ANNE WHITNEY	3 WATERWAY SQUARE PLACE SUITE 110 THE WOODLANDS, TX 77380	Chief Financial Officer	
Ronald J Mittelstaedt	3 WATERWAY SQUARE PLACE #110 THE WOODLANDS, TX 77380	Chief Executive Officer	
<b>Additional Officers</b>			
Officer Name	Officer Address	Position	Stated Position
None Entered			
<b>Agent for Service of Process</b>			
California Registered Corporate Agent (1505)		CSC - LAWYERS INCORPORATING SERVICE Registered Corporate 1505 Agent	
<b>Type of Business</b>			
Type of Business		SOLID WASTE MANAGEMENT	
<b>Email Notifications</b>			
Opt-in Email Notifications		Yes, I opt-in to receive entity notifications via email.	
<b>Labor Judgment</b>			
No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.			

Electronic Signature

☒ By signing, I affirm that the information herein is true and correct and that I am authorized by California law to sign.

*Patrick Shea*

*05/09/2023*

Signature

Date

B1739-5157 05/09/2023 11:58 AM Received by California Secretary of State